

1 receiving it for any other purpose, that is to show that the
2 figures are either good or bad or up or down. That's with
3 respect to E.

4 (Whereupon, the document referred to
5 as Moonbeam Exhibit E was marked for
6 identification and received into
7 evidence.)

8 JUDGE LUTON: Any objection to F, Moonbeam's budget
9 stated by Ms. Constant to have been prepared by her prior to
10 the filing of the application?

11 MR. FITCH: I just reiterate my objection made
12 initially, Your Honor.

13 JUDGE LUTON: Which was that there is no --

14 MR. FITCH: No sponsoring --

15 JUDGE LUTON: -- testimony covering the document?
16 Overruled.

17 MR. FITCH: No fund exchange, no sponsoring witness.

18 JUDGE LUTON: Okay. Overruled. Moonbeam F is
19 received.

20 (Whereupon, the document referred to
21 as Moonbeam Exhibit F was marked for
22 identification and received into
23 evidence.)

24 BY MR. SHUBERT:

25 Q Mrs. Constant, at this point in time I would like to

1 direct your attention to Exhibit D. Would you describe for us
2 what is Exhibit D?

3 A Exhibit D is the balance sheet for Calistoga
4 application, dated August 30th, 1991.

5 Q Is that your personal balance sheet?

6 A Yes it is.

7 Q Do you recall when you prepared this document?

8 A I prepared this document just prior to completing my
9 application.

10 Q You list liquid assets. What liquid assets were you
11 relying upon in the preparation of this balance sheet?

12 A I was relying upon the assets in my Alex Brown &
13 Sons account.

14 Q You indicate that accounts receivable are not
15 included.

16 A No.

17 Q What accounts receivable would that have been?

18 A It would have been residuals.

19 Q What do you mean by residuals?

20 A For acting -- commercials.

21 Q Residuals that you would -- income you would receive
22 for acting?

23 A Yes.

24 Q You list current liabilities of less than \$17,000.
25 How did you arrive at that figure?

- 1 A Bills, taxes, what would be left of the mortgage
2 payment for that year, for -- less the income the house made.
- 3 Q Would the liabilities have been for one year?
- 4 A Yes.
- 5 Q You say you included the mortgage?
- 6 A Yes.
- 7 Q What portion of the mortgage did you include?
- 8 A The part that would -- wouldn't be covered by the
9 income the house produced for itself.
- 10 Q Well, would you explain that?
- 11 A The house was rented out for commercial and movie
12 locations on a regular basis.
- 13 Q Did you rent the house out for a movie in 1991?
- 14 A Actually, yes. It was rented out for a made-for-TV
15 movie in 1991.
- 16 Q Do you recall how much income the house generated?
- 17 A I think I was estimating that year it made -- well
18 -- when I -- by the time I -- when I did this budget, it made
19 about \$40,000.
- 20 Q So the portion of the mortgage that you included
21 would have been your portion of the residual of the mortgage?
- 22 A Yes.
- 23 Q Less what the house had earned?
- 24 A Yes.
- 25 Q Can I now direct your attention to Exhibits B and C.

1 Would you describe for us what are Exhibits B and C?

2 A B and C are my Alex Brown statements.

3 Q And what are the names of the accounts? What is the
4 account name on --

5 A C (sic) the name is the Mary F. Constant/Abbie &
6 Bianco Retirement Fund. And C is Mary F. Constant.

7 Q Okay. Let's make sure it's clear. Exhibit B is the
8 Abbie & Bianco?

9 A Yes.

10 Q And Exhibit C is just --

11 A Mary F. Constant.

12 Q -- Mary F. Constant. And what is the ending date
13 of that statement?

14 A That statement is August 30th, 1991.

15 Q How did you come by this document?

16 A I have this document -- these documents sent to me
17 from Alex Brown & Sons.

18 Q What is the reason that Alex Brown sent them to you?

19 A Because I was asked to produce them.

20 Q These are duplicates of the original statements that
21 were sent to you?

22 A Yes, they are.

23 Q What is the reason you received duplicates?

24 A Because I lost all the originals.

25 Q Do you recall when you obtained these from Alex

1 Brown?

2 A I obtained these -- it was before the hearing this
3 year.

4 Q What is the significance of these statements?

5 A The significance is that they reflect the amount of
6 money I had in my account when I filled out my application.

7 Q Are these the documents you relied on to in -- as,
8 as the source of funds for the balance sheet that you prepared
9 that has been identified as Exhibit D?

10 A Yes. These were -- these reflect the sources of
11 funds that I possessed to build the radio station when I
12 filled out the application.

13 Q Are these documents that are identified so far or
14 have been identified as Exhibits B and C -- to your knowledge,
15 do they correctly reflect the balance in your two accounts as
16 of the 30th of August 1991?

17 A Yes they do.

18 MR. SHUBERT: At this point, Your Honor, I would
19 like to mark for identification three documents, documents
20 that we have heretofore discussed and referenced as Exhibits
21 B, C, and D, B being a one-page document identified as the
22 Mary F. Constant/Abbie & Bianco Retirement Fund; C being a
23 one-page document being identified as Mary F. Constant
24 account; and D being a one-page document in long-hand that is
25 -- that Mrs. Constant has identified as her balance sheet. I

1 would like to mark those for identification and admit them
2 into evidence.

3 JUDGE LUTON: All right. They're, they're marked.
4 (Whereupon, the documents referred to
5 as Moonbeam Exhibits B, C, and D were
6 marked for identification.)

7 JUDGE LUTON: Ms. Constant, did you, did you have
8 some idea of how much money you had in these accounts quite
9 apart from these statements at the time you certified?

10 MRS. CONSTANT: Yes.

11 JUDGE LUTON: And you believed you had enough money
12 to cover the estimated expenses for this application?

13 MRS. CONSTANT: Yes, I knew I had enough money.

14 JUDGE LUTON: You knew you had enough. Did you use
15 the statements in any way in certifying or did you rely on
16 something else?

17 MRS. CONSTANT: No. I just relied on the Alex Brown
18 statement.

19 JUDGE LUTON: Just the statement. You, you didn't
20 -- all right. I'll stop. B, C and D are offered, B and C
21 constituting broker statements and D, Ms. Constant's balance
22 sheet prepared by her. Objections?

23 MR. FITCH: B and C, Your Honor. I have a couple of
24 objections. One, may I voir dire --

25 JUDGE LUTON: Yes.

1 MR. FITCH: -- on these?

2 JUDGE LUTON: You may.

3 VOIR DIRE EXAMINATION

4 BY MR. FITCH:

5 Q Ms. Constant, I'm referring to documents that have
6 been identified as documents B and C which are Alex Brown &
7 Sons customer statements. Isn't it true that when there's
8 been some activity in an account, the account statement
9 explains in fact what that activity has been? Such as, for
10 instance, if I may explain. If there had been a purchase or
11 sale of stock or if checks on an account have been written?
12 Wouldn't, wouldn't such activity be reflected?

13 A It's reflected in the statement, yes.

14 Q Is -- did the -- is a specific transaction
15 reflected?

16 A I know sale of stock is. Yes, they don't, they
17 don't list checks though.

18 Q Do you have check, check writing privileges with
19 both of these accounts?

20 A Yes.

21 Q They -- your, your testimony is that they don't --
22 if they do not indicate in their statements the specific
23 activity when a check has been written?

24 A They don't send it like a, like a checking account
25 statement, no.

1 Q Well, do they send it in any other way?

2 A They just send it like -- I mean they don't list
3 each transaction, but they list that so much money has been
4 taken out or sale of money market funds. So, yeah, they do
5 that way.

6 Q But they don't list the transactions?

7 A Not for money market, no.

8 Q Now, I'm talking about check writing.

9 A That's what I mean.

10 Q They don't indicate that on such and such a date you
11 wrote a check for X number of dollars?

12 A They don't -- no, they don't indicate -- it's not
13 like a checking account, no.

14 Q Are you sure about that?

15 A Yes.

16 Q Do you know if there's any activity in these
17 accounts during this time period, July 27th through August
18 30th, or, you know, for either one of the accounts?

19 A I can't tell you that by looking at this, no.

20 Q How could you tell?

21 A Well, because that was over a -- two years ago.

22 Q So you can't tell by looking at account statement
23 whether there's been activity in your account?

24 A If I get an -- any statement, it usually means there
25 has been activity in the account.

1 Q But how could you tell then if there's been
2 activity? Isn't there, in fact, a page missing from both of
3 these account statements?

4 A This is exactly what Alex Brown & Sons sent me when
5 I requested these.

6 Q Well, isn't -- don't your account statements usually
7 consist of another page that tell you exactly what, what
8 activities have gone on in your account?

9 A Sometimes no. I think it -- no.

10 Q You said sometimes no.

11 A Well -- they send a lot of other, you know, pages
12 that don't mean anything with an account, like you know
13 information about stocks, but this is, is not the type of
14 information they would generate when I requested duplicates,
15 as, as you requested me to provide.

16 Q Why is that not the type of information that they
17 would provide you when you requested the -- why wouldn't the
18 --

19 MR. SHUBERT: Objection. She's call -- he's calling
20 for her knowledge of what Alex Brown does.

21 JUDGE LUTON: Overruled.

22 MRS. CONSTANT: I'm just telling you what they told
23 me. You had requested documents and I called Alex Brown &
24 Sons myself and asked him for, you know, for duplicates of all
25 my statements and this is what they sent me.

1 BY MR. FITCH:

2 Q So you don't know whether this is a complete
3 statement then, do you?

4 A According to them, it was or it is.

5 Q Well, it doesn't, it doesn't show though what, what
6 activity has gone on in either one of those accounts during
7 that time period, does it?

8 A No, this doesn't appear to. You're right.

9 MR. FITCH: Your Honor, I object to these -- to
10 introduction of these documents as incomplete. And they're
11 not -- furthermore, they're not -- it's not the best evidence
12 and it's -- there's nobody here from Alex Brown to, to, to
13 authenticate it.

14 JUDGE LUTON: Well --

15 MR. FITCH: I'll repeat that. Once, once an issue,
16 once some concerns about the authentication have been raised,
17 Your Honor.

18 MR. SHUBERT: May I address that, Your Honor?

19 JUDGE LUTON: What's crucial here? What, what is
20 really the evidence? The statements from Alex Brown,
21 documents ascend to some order of high importance or is the
22 witness' knowledge of her own situation at the time she's
23 certifying that she had the money available? Respond.

24 MR. SHUBERT: These documents are provided not
25 necessarily to show what transactions are in the account, but

1 the net value of the account upon which Mrs. Constant was
2 relying when she prepared her balance sheet. And the
3 documents plainly indicate on her face -- on, on their face,
4 what the net value of each of the accounts is. And Mrs.
5 Constant has testified that those are the documents that the
6 originals of those documents were the documents upon which she
7 relied when she prepared her balance sheet.

8 We're not, we're not offering them for the efficacy
9 as to whether or not Alex Brown & Sons accurately report the
10 information or accurately compile the information or whether
11 their computers are accurate. We're offering that as the
12 document upon which Mrs. Constant relied when she prepared her
13 statement.

14 MR. FITCH: So, is counsel also saying that he's not
15 relying on these documents to show that this money was, in
16 fact, available to Ms. Constant at that time? Is that the
17 truth of the matter, sir?

18 MR. SHUBERT: What we're saying is, is Mrs. Constant
19 has already testified that to her knowledge those accounts
20 were accurate and that's the money she had available when she
21 prepared --

22 MR. FITCH: But I'm talk --

23 MR. SHUBERT: -- the sheets.

24 MR. FITCH: I'm speaking to the documents
25 themselves.

1 MR. SHUBERT: The documents speak for themselves.
2 They are the documents upon which she relied.

3 MR. FITCH: We ask -- that's the crux of this issue
4 is what -- is to what exactly these documents are speaking on.

5 MR. SHUBERT: Are you trying to disprove that -- the
6 figure there? Offer evidence.

7 MR. FITCH: I, I already have --

8 MR. SHUBERT: -- you can rebut it with a witness.

9 MR. FITCH: I already have. On voir dire. These do
10 not appear to be complete documents, Your Honor.

11 JUDGE LUTON: That one doesn't bother me. The
12 documents don't appear to be complete. If they're not and you
13 have some missing pages that you want to, to add here to --
14 complete them, round them out, that's okay. That's like
15 saying an offer of evidence doesn't really go far enough to
16 prove the point. It doesn't have to, so long as it goes some
17 way toward it. I don't know what complete would mean in this
18 situation quite frankly. So much of the objection is -- rests
19 on its incompleteness is overruled.

20 You said several times, Mr. Shubert, that these
21 documents are the ones on which Ms. Constant relied. What do
22 you mean, relied? What is it you'd have me understand by her
23 reliance on these documents?

24 MR. SHUBERT: She had --

25 JUDGE LUTON: Perhaps I should ask her. Is it your

1 testimony that these are the documents on which you relied in
2 certifying your application.

3 MRS. CONSTANT: Yes. When I --

4 JUDGE LUTON: Tell me what relied means as it meant
5 to you at the time you relied on these documents?

6 MRS. CONSTANT: When I relied on these documents, I
7 relied on the fact that I looked at each one of these pages
8 and it told me -- the bottom line was how much, how much
9 liquid assets I had in my accounts.

10 JUDGE LUTON: Is it correct to say also as you
11 indicated to me earlier that you had some idea, you knew how
12 much money you had approximately, within reason.

13 MRS. CONSTANT: Yes.

14 JUDGE LUTON: Quite without regard to these
15 documents?

16 MRS. CONSTANT: Yes.

17 JUDGE LUTON: I can't imagine that not have been the
18 case. Though it might have been. I don't know. But if that
19 was the case, what does it mean when you say you relied on the
20 documents? It means you had a certain sense about what you
21 had and the -- your ability to see these documents confirmed
22 the sense that you had about your ability?

23 MRS. CONSTANT: Yes.

24 JUDGE LUTON: I think so. Objection's overruled.

25 B, C, both her statements are received for whatever they may

1 show that's relevant, even though they may be incomplete in
2 some sense, may not go the whole way. I don't know, but I
3 suspect they go at least part of the way. D is Ms. Constant's
4 balance sheet. That's received.

5 (Whereupon, the documents referred to
6 as Moonbeam Exhibits B, C, and D were
7 received into evidence.)

8 JUDGE LUTON: Mr. Shubert, proceed.

9 MR. SHUBERT: I'd like to backtrack just a second
10 here, Your Honor. I think I -- one question I omitted with
11 respect --

12 BY MR. SHUBERT:

13 Q Mrs. Constant, can I direct your attention to
14 Exhibit F? The last page of that exhibit, your estimate for
15 legal fees?

16 A Yes.

17 Q How did you arrive at that estimate?

18 A I consulted my attorney of what the practical costs
19 of pursuing this application would be, including filing fees
20 and other fees that he was aware of.

21 Q What was the nature of the communication? Was it in
22 writing or was --

23 A No, it was by telephone.

24 Q Mrs. Constant, there came a time on November 12th,
25 1991, when you signed the application for Calistoga. At the

1 time that you completed this application, did you have the
2 balance sheet before you?

3 A Yes, I did.

4 Q Did you have -- and the balance sheet we have
5 identified as Exhibit D, and did you have the budget, which we
6 have identified as Exhibit F in front of you?

7 A Yes.

8 Q Were those documents the basis for the financial
9 certification that is contained in the application?

10 A Yes.

11 Q As of November 12, 1991, when you signed the
12 application, did Moonbeam have any liquid assets?

13 A Yes.

14 Q What liquid assets did it have?

15 A It had liquid assets in my Alex Brown accounts.

16 Q So you're saying that the liquid assets are the, the
17 funds that you intended to provided to the corporation?

18 A Yes.

19 Q The funds that you intend to provide to Moonbeam,
20 are they going to be in the form of a loan or as a capital
21 contribution?

22 A It'll be in the form of a capital contribution.

23 Q When you signed the application on November 12th,
24 1991, was this business plan which we have identified as
25 Exhibit F your business plan for Calistoga?

1 A Yes.

2 Q Was Exhibit D your personal balance sheet for the
3 Calistoga application?

4 A Yes.

5 Q Did you have any Alex Brown statements that were
6 more contemporaneous than August 30, 1991?

7 A No I didn't.

8 Q Do you know what reason you didn't?

9 A When I, when I was -- as I told you before, when I
10 was call -- when I called Alex Brown and asked him for all my
11 statements, there were some months that didn't have
12 statements. When I asked them why, they said if there's been
13 no activity in account, we don't generate a statement.

14 Q Do they generate statements on a quarterly basis?

15 A I think so.

16 Q When you signed the certification on November 12,
17 1991, were the assets in the Alex Brown account encumbered in
18 any way?

19 A No.

20 Q Was there any sort of lien against those assets?

21 A No.

22 Q Did you have any intention of using those funds for
23 any other purpose?

24 A No.

25 Q When you prepared the balance sheet, which we have

1 identified as Exhibit D, were there any other current
2 liabilities that were not reflected on your balance sheet?

3 A No.

4 Q May I direct your attention to Exhibit B? You have
5 indicated that Exhibit is the Abione -- Abbie & Bianco
6 Retirement Fund. Would you explain what the purpose of that
7 fund is?

8 A It was just another Alex Brown account.

9 Q Where did the -- from where did the name come?

10 A Abbie and Bianco are my dogs. It was just a
11 capricious naming.

12 Q Did, did you make up that account?

13 A I made up that account. I made that up -- that
14 account name.

15 Q Is that account in any way a retirement fund?

16 A No, it's not.

17 Q Are those funds in any way encumbered by Abbie and
18 Bianco?

19 A No, Bianco died.

20 Q These statements that we have identified as Exhibits
21 B and C, do you recall when you obtained the duplicate copies?

22 A Sometime this summer, when they were requested.

23 Q Would it have been about the time that we had the
24 first phase of this hearing?

25 A Exactly.

1 Q Do you recall where you were when you requested Alex
2 Brown to provide those documents to you?

3 A I was at your office.

4 Q That being the office of Haley, Bader, and Potts?

5 A Yes.

6 Q What was the reason you referred to an August 1991
7 account statement rather than one for September or October?

8 A I didn't have a September one. The August one was
9 the only one I had. An August -- it's dated August 30th. I
10 would have received it sometime in September.

11 Q Early September or --

12 A No, no. Toward the middle or the end of September.

13 Q Did your available current assets in excess of
14 current liabilities change between August and November of
15 1991?

16 A No.

17 Q May I direct your attention now to Exhibit H,
18 please. Would you identify for us what Exhibit H is?

19 A It is the Alex Brown and account statement dated
20 November 30th-December 31st, 1991.

21 Q And this document is the Abione -- Abbie & Bianco
22 Retirement Fund?

23 A Yes.

24 Q Do you know why this document was produced for the
25 counsel for Gary Willson?

1 A It was produced for the same reasons -- to prove
2 that the money had been in my account when I filled out my
3 application, I had liquid assets in excess of the amount I
4 needed to build the Calistoga station, and in -- at the end of
5 December of 1991 I had -- still had more than adequate
6 account --

7 JUDGE LUTON: Mr. Shubert, what kind of question is
8 that? Isn't it enough to simply get the facts out of the
9 witness as opposed to having her --

10 MR. SHUBERT: All right.

11 JUDGE LUTON: -- or are you trying to tell us why a
12 particular document was produced to --

13 MR. SHUBERT: Sorry, Your Honor.

14 JUDGE LUTON: -- the opposition and it was produced
15 because it proves this and that and argumentative and what a
16 waste of time. Just elicit the facts.

17 BY MR. SHUBERT:

18 Q Is this the most contemporaneous statement to the
19 time you filed the application that you have?

20 A Yes.

21 Q To your knowledge, is this a correct copy of the
22 original of the Alex Brown statement you received for the
23 period ending December 31, 1991?

24 A Yes it is.

25 MR. SHUBERT: Your Honor, at this point in time I

1 would like to mark for identification a one-page document that
2 is the Mary F. Constant/Abbie & Bianco Retirement Fund account
3 for the period November 30 through December 31, 1991. It's a
4 one-page document. I would like to mark it as Exhibit H --
5 Moonbeam Exhibit H.

6 JUDGE LUTON: It's marked.

7 (Whereupon, the document referred to
8 as Moonbeam Exhibit H was marked for
9 identification.)

10 MR. SHUBERT: I move it into evidence.

11 JUDGE LUTON: It's moved.

12 MR. FITCH: Same objection, Your Honor --

13 JUDGE LUTON: Same objection. All right.

14 MR. FITCH: The last financial statement.

15 JUDGE LUTON: Okay. This one was received by you,
16 Ms. Constant, from Alex Brown and Sons after you requested it.
17 Is that right?

18 MRS. CONSTANT: After -- yes.

19 JUDGE LUTON: You requested it?

20 MRS. CONSTANT: After I requested it, yes.

21 JUDGE LUTON: Um-hum. All right. The objection's
22 overruled. H is received.

23 (Whereupon, the document referred to
24 as Moonbeam Exhibit H was received
25 into evidence.)

1 BY MR. SHUBERT:

2 Q To your knowledge, did your husband have any claim
3 to the assets listed in your two Alex Brown accounts as
4 community property?

5 A No, he did not.

6 Q And how do you know that?

7 A Because the money in my Alex Brown accounts was the
8 result of an inheritance from my mother and when I received
9 the inheritance and was about to put it into an account, my
10 attorney was adamant about the fact that it -- they should --
11 an inheritance should not become community property and so it
12 wasn't.

13 Q Has your husband consented to the use of community
14 property to construct and operate the Moonbeam station if
15 necessary?

16 A Yes.

17 Q Between the dates you prepared your financial
18 statement -- and I'm directing your attention now to Exhibit
19 D, your balance sheet, and the date your application was
20 filed, that being November 15th, 1991, was there any change in
21 your financial position?

22 A No.

23 Q Between the dates you prepared the balance sheet and
24 the date your application was filed, did you engage in any
25 financial transactions that would have materially or adversely

1 changed your account?

2 A No.

3 Q As of November 12, 1991, were you aware of owing any
4 delinquent taxes to the state or to the federal government?

5 A No.

6 Q As of November 12, 1991, had you received any notice
7 that you were delinquent in paying any state or federal taxes?

8 A No.

9 Q As of November 12, 1991, had you received any notice
10 of a tax lien being recorded against your assets?

11 A No.

12 Q Did there come a time when you received a notice
13 that you owed back taxes?

14 A I think so. I don't remember, not personally.

15 Q Was there a lien placed upon your Nicasio residence
16 by a taxing authority?

17 A There was at some time, a small one.

18 Q And when did you receive notice of that lien?

19 A I don't remember. I think -- I, I don't exactly
20 remember when it was.

21 Q Was that a tax lien by the Franchise Tax Board of
22 California?

23 A Yes, I think it was.

24 Q What was the basis of their claim?

25 A It was a disallowance of something on the

1 corporation my husband had owned and it was, in fact, appealed
2 by our accountants and the new -- and in fact there's, there's
3 -- it's been -- well, it was paid at the sale of our house and
4 it is now -- refund, account paid.

5 Q So that lien has been extinguished?

6 A Oh, yes.

7 Q Did that lien have any impact upon the assets in
8 your Alex Brown accounts?

9 A No, it didn't. It was not a very large amount.

10 Q Do you recall approximately what the amount was?

11 A Gosh, I think with interest and everything it was
12 less than \$15,000.

13 Q After extinguishing the lien that was placed upon
14 your Nicasio home, did you have sufficient current assets in
15 excess of current liabilities to construct Moonbeam station
16 and operate it for three months?

17 A Yes.

18 Q Was there ever a time during the period between
19 November 12, 1991, when you signed the application --
20 Moonbeam's application for Calistoga originally through the
21 time the issue was added in this case in April 1993 that your
22 current assets in excess of current liabilities fell below
23 \$117,000?

24 A No.

25 Q Did you have any intention of borrowing money from

1 Alex Brown and Sons to float -- to finance Moonbeam's proposed
2 station for Calistoga?

3 A No.

4 Q Do you know whether Alex Brown offers its customers
5 business or consumer loans?

6 JUDGE LUTON: Where do these questions come from? I
7 -- why, why are you getting off into all of that? That would
8 be impossible. We would be here for weeks.

9 MR. SHUBERT: Well, I'm asking her knowledge of
10 whether --

11 JUDGE LUTON: I understand -- I understood the
12 question. I -- what I don't understand is why the question
13 for Pete's sake?

14 MR. SHUBERT: Because originally the issue was added
15 based on the question as to whether or not these funds were
16 going to be borrowed, Your Honor.

17 JUDGE LUTON: I don't believe the order adding the
18 issue said anything about borrowed funds.

19 MR. SHUBERT: No, but it was one of the, the
20 allegations that was raised.

21 JUDGE LUTON: Well, what issue are you trying? The
22 one that -- the whole bit and the pleadings? Raising the
23 issue or those few facts upon which the issue was added?

24 MR. SHUBERT: Well, Your Honor, we're trying to make
25 sure that there are no gaps in our presentation.

1 JUDGE LUTON: I object to that question. Ask
2 another one.

3 MR. SHUBERT: I'll withdraw the question.

4 BY MR. SHUBERT:

5 Q At any time since November 12th, 1991, has Moonbeam
6 changed its source of funding?

7 A No.

8 Q Did there come a time when Moonbeam amended its
9 application for Calistoga?

10 A Yes it did.

11 Q And do you recall the substance of that amendment?

12 A The substance of it, the one that we're talking
13 about today, it was -- I was clarifying that I was the source
14 of the funds and that Alex Brown and Sons is just the place
15 where the funds were deposited. There was -- they were my
16 liquid assets. They were in an Alex Brown account and they
17 were mine, they were liquid assets. They were not to be
18 borrowed, they weren't a margin account, anything.

19 Q May I direct your attention to Moonbeam Exhibit I
20 that you have before you -- the document is at Tab I. Would
21 you identify that for us?

22 A That's the amendment, dated February 27th, 1992.

23 Q That's the amendment certification page?

24 A Yes.

25 Q And behind it is another page. What is that page?